

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

### Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

These amendments bring the rules on the date and time of filing campaign disclosure statements and reports into conformity with the statute mandating the date and time of such statements and reports when electronically filed.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation prior to the adoption of these amendments are impracticable, as it is desirable to have the Board's rules reflect current statutory requirements.

These amendments are intended to implement Iowa Code section 68A.401(1) as amended by 2009 Iowa Acts, Senate File 51, and section 68A.402 as amended by 2009 Iowa Acts, Senate File 49, section 4.

These amendments will become effective on December 23, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 4.1(3) as follows:

**4.1(3) Time of filing.** A statement of organization shall be filed with the board within ten days after the financial filing threshold in subrule 4.1(1) has been exceeded. A statement must be physically received by the board or, if mailed, must bear a United States Postal Service postmark dated on or before the report due date. Faxed or electronically filed statements must be submitted on or before 11:59 p.m. of the tenth day after the organization of the committee is required. A committee that is mandated by statute to electronically file a statement of organization shall file the statement with the board on or before 4:30 p.m. on the due date. If the tenth day falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

ITEM 2. Amend rule 351—4.10(68A,68B) as follows:

**351—4.10(68A,68B) Time of filing.** A report must be physically received by the board or, if mailed, shall bear a United States Postal Service postmark dated on or before the report due date. Faxed, E-mailed, or electronically filed reports must be submitted on or before 11:59 p.m. of the report due date. However, as provided in Iowa Code Supplement section 68A.402 as amended by 2008 Iowa Acts, Senate File 2400, sections 24 and 28, 2009 Iowa Acts, Senate File 49, section 4, any report that is required to be filed five days or less prior to an election must be physically received by the board prior to 4:30 p.m. on the report due date. A report that is mandated by statute to be electronically filed shall be filed with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the first working day when the board office is open.

This rule is intended to implement Iowa Code Supplement section 68A.401(1) as amended by 2009 Iowa Acts, Senate File 51, and section 68A.402 as amended by 2008 Iowa Acts, Senate File 2400, sections 24 and 28 2009 Iowa Acts, Senate File 49, section 4.

ITEM 3. Rescind rule 351—4.58(68B) and adopt the following new rule in lieu thereof:

**351—4.58(68B) Late-filed campaign disclosure reports.** A campaign disclosure report is deemed filed late if it is not received by the board on or before the date and time the report is mandated to be filed pursuant to statute or board rule.

This rule is intended to implement Iowa Code section 68B.32A(8).

[Filed Without Notice 10/26/09, effective 12/23/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/18/09.